## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

KEVIN COVINGTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:18-CV-1667-AGF
	)	
CARLINA STUCKEY-PARCHMON, et al.,	)	
	)	
Defendants.	)	

## MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motions for appointment of counsel and for default. The motions will be denied.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8<sup>th</sup> Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8<sup>th</sup> Cir. 1986); *Nelson*, 728 F.2d at 1005. After considering these factors, the Court finds that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time.

As for plaintiff's motion for default, plaintiff argues that he should be granted default in this matter because defendant Stuckey-Parchmon failed to file a response to plaintiff's complaint in a timely manner after being served. Defendant Stuckey-Parchmon's responsive pleading was due on March 4, 2019. On March 6 and 11, defendant requested additional time to file her

answer out of time (ECF Nos. 11, 13), explaining that her answer was late due to a clerical error, or excusable neglect under Fed. R. Civ. P. 6(b). The Court granted defendant's request to answer out of time on March 11, 2019. ECF No. 14. Three days later, plaintiff filed a motion for default. ECF No. 16. Because defendant's motion for additional time to answer was granted for good cause before the filing of plaintiff's motion for default, plaintiff's motion for default will be denied as moot.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel is **DENIED**. [ECF No. 9]

IT IS FURTHER ORDERED that plaintiff's motion for default is **DENIED as moot**.

[ECF No. 16]

Dated this 18th day of March, 2019.

AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

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